(2)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 905 OF 2005

PETITIONERS : 1. Smt. Shakuntala W/o Dinesh Choubeyey, aged about 40 years .

2. Dinesh Choubey S/o Late Ram Krishna Choubey, aged about 50 years.

Both resident of Bajrang Ward No.1, Rajnandgaon, Nagar Nigam, Rajnandgaon, Tahsil and District Rajnandgaon (CG).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Secretary Department of Home Affairs, D.K.S. Building Raipur (C.G.)
2. Director General of Police, Chhattisgarh, Police Head Quarter, Raipur, Tahsil and District Raipur (CG).
3. The Collector, Rajnandgaon,Tahsil and District Rajnandgaon (C.G.)
4. The Superintendent of Police, Police Training school, Rajnandgaon, Tahsil and District Rajnandgaon (CG).
5. District Co-operative Agriculture rural Development Bank Maryadit , Rajnandgaon, Through its Branch Mananger, Rajnandgaon, Tahsil and District Rajnandgaon (CG).
6. Vikray Adhikari / Sales Officer, District Co-operative Agriculture rural Development Bank Maryadit , Rajnandgaon. (CG).

7

WRIT PETITION U/S 226/227 OF THE CONSTITUTION OF INDIA

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9/3/05
CLERK to A. G. Bilaspur

1. **PARTICULARS OF THE PETITIONER.**

As stated in the cause title.

(46)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.905/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16-3-2005

Mr. Awadh Tripathi, counsel for the petitioners.

Mr. Bhaskar Pyasi, Panel Lawyer for the State/respondents No.1 to 4.

Heard both the counsel.

The main grievance raised by the petitioners by this writ petition under Article 226/227 of the Constitution of India, is that respondents No.1 & 2 have utilized the petitioners' land admeasuring 7.40 acres for the purpose of construction of Police Training Centre, that too without initiating any acquisition proceedings, and no compensation has been awarded to the petitioners and they have taken the possession and constructed the Police Training Centre without acquiring the land. The petitioners made several representations, but to no result. This fact has been admitted by the respondents in response to Annexure P-3, the notice issued on behalf of the petitioners. The Superintendent of Police vide Annexure P-4 dated 14-1-2003 informed the petitioners' counsel that proceedings for acquisition under the Land Acquisition Act are being initiated, but even then nothing has been done and the land was taken into possession as back as 11 years ago.

Learned counsel for the petitioners argued that on the one hand the petitioners' land has been taken into possession 11 years' back without giving any compensation or rent of the user of land in accordance with the law and on the other hand, the petitioners' took a loan for purchase of tractor in the year 1995 against which they have already paid Rs.2,11,000/-, whereas the principle amount advanced to the petitioners was Rs.1,46,590/-, now respondent No.3 the Collector is forcing the petitioners to pay an amount of Rs.1,66,000/- failing which auction proceedings of the petitioners' other land will take place. Learned counsel further argued that this is a case of double jeopardy. On the one hand, the Government has taken possession

(पीछे देखिये)

(47)

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of the petitioners' land to the extent of 7.40 acres and on the other hand, on account of non-payment of some amount regarding the tractor loan they are again auctioning the other land of the petitioners and not paying any compensation regarding the land already acquired.

In the circumstances, learned counsel for the petitioners requested that the petitioners may be allowed to make a representation to respondents No.2 & 3 and they be directed to consider the grievance of the petitioners at the earliest and do justice with the petitioners to which learned Panel Lawyer appearing on behalf of the State/respondents No.1 to 4 has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are allowed to make a detailed representation raising all their grievances to respondents No.2 & 3 within ten days from today and respondents No.2 & 3 are directed to decide the representation of the petitioners within a period of eight weeks from the date of receipt of the same after considering all the grievances raised by the petitioners and pass a reasoned order. However, the petitioners will be at liberty to approach this Court again if the respondents fail to pass any order on the representation made by the petitioners, in accordance with law.

With the above directions the petition stands disposed of.

Consequently, M.(W.)P.No.727/2005, I.A.Nos.1778/2005 & 1779/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

(पीछे देखिये)